

Message Text

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E.O. 11652: N/A

TAGS: SHUM, UNHRC, JO

SUBJECT: AGENDA ITEM 11: JORDANIAN PROPOSAL FOR TWO HRC
SESSIONS ANNUALLY

REF: GENEVA 02451

1. DEPARTMENT SUPPORTS THRUST OF JORDANIAN RESOLUTION TO
ESTABLISH TWO SESSIONS OF HRC ANNUALLY. CURRENT RESOLUTION
TEXT, HOWEVER, CONTAINS NUMBER OF PROBLEMS. SINCE NEGOTIA-
TIONS ARE STILL UNDERWAY, WE SUGGEST YOU URGE FOLLOWING
CHANGES TO JORDANIANS.

2. TO CORRECT DRAFTING OMISSION, DELEGATION SHOULD INSERT
SECOND PREAMBULAR PARA TO READ: "RECALLING ECONOMIC AND
SOCIAL COUNCIL RESOLUTION 9(II) OF 21 JUNE 1946 WHICH
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WIDENED THE TERMS OF REFERENCE OF THE COMMISSION TO INCLUDE
ANY OTHER MATTER CONCERNING HUMAN RIGHTS NOT COVERED BY
RESOLUTION 5(I)."

3. VARIOUS SERIOUS CONCERNS ABOUT THE OPERATIVE PARTS OF
TEXT EXIST: OPERATIVE PARA 1 SHOULD BE AMENDED TO ASSURE
THAT THE TERMS OF REFERENCE CONTINUE TO PROVIDE FOR HRC

ACTION ON ALL ASPECTS OF HUMAN RIGHTS ISSUES, NOT JUST GROSS VIOLATIONS. FOR EXAMPLE, THE COMMISSION SHOULD CONTINUE TO

BE ABLE TO DRAW UP OR EVALUATE HUMAN RIGHTS CONVENTIONS. PRIORITY SHOULD NOT BE IMPLIED FOR ANY PARTICULAR CLASS OF HUMAN RIGHTS PROBLEMS--SUCH AS ECONOMIC AND SOCIAL RIGHTS. WE THEREFORE STRONGLY URGE THE FOLLOWING MODIFICATION OF FIRST OPERATIVE PARA: "CALLS ON THE ECONOMIC AND SOCIAL COUNCIL TO RE-EXAMINE THE TERMS OF REFERENCE OF THE COMMISSION WITH A VIEW TO ENSURING THAT IT CAN ACCORD APPROPRIATE ATTENTION TO URGENT AND PRESSING GROSS VIOLATIONS OF HUMAN RIGHTS AND VIOLATIONS OF FUNDAMENTAL FREEDOMS."

4. U.S. DELEGATION SHOULD BE GUIDED BY FOLLOWING POINTS IN EXPLAINING THESE CHANGES:

-- U.S. DOES NOT WISH TO PREVENT EXAMINATION OF COMMISSION'S MANDATE IF OTHERS WISH TO RE-EXAMINE IT.

-- HOWEVER, CONSIDERING BREADTH OF ECOSOC RESOLUTION 9(II), WE BELIEVE IT IS CLEAR THAT THE MANDATE OF THE COMMISSION IS BROAD ENOUGH TO ALLOW COMMISSION TO ACCORD APPROPRIATE ATTENTION TO "URGENT AND PRESSING GROSS VIOLATIONS OF HUMAN RIGHTS AND VIOLATIONS OF FUNDAMENTAL FREEDOMS."

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-- OPERATIVE PARAGRAPH 1 AS IT APPEARS IN JORDANIAN TEXT PRESUMES THE NECESSITY TO AMEND THE MANDATE. IT ASSUMES THAT THE PRESENT MANDATE DOES NOT ENABLE CONSIDERATION OF GROSS VIOLATIONS, ETC.

-- THE TERM "SCREENING" IMPLIES LESS ATTENTION TO SOME HUMAN RIGHTS THAN TO OTHERS.

-- HRC MUST RETAIN OPTION TO DISCUSS ALL ASPECTS OF HUMAN RIGHTS AND TO DETERMINE PRIORITIES AS THE ISSUES ARISE ON A CASE-BY-CASE BASIS, WITH THE UNDERSTANDING THAT PRIORITY WOULD ALWAYS TEND TO BE ACCORDED TO GRAVE VIOLATIONS WHICH AFFECT MANY PEOPLE, WHETHER THEY ARE ECONOMIC OR POLITICAL, ETC.

-- THE TERM "APPROPRIATE" IS INSERTED TO BALANCE ECONOMIC AND SOCIAL RIGHTS WITH CIVIL AND POLITICAL INDIVIDUAL RIGHTS.

IT SHOULD REMAIN A MAJOR PART OF THE WORK OF THE COMMISSION TO EVALUATE THE SERIOUSNESS OF THE HUMAN RIGHTS ISSUES

REFERRED TO IT. THIS CANNOT BE PRESCRIBED BEFOREHAND IN A VACUUM.

5. AS TO PARA 2 OF JORDANIAN PROPOSAL, DEPARTMENT IS ANXIOUS TO ASSURE THAT THE REAL TIME OF HUMAN RIGHTS MEETINGS IS INCREASED, NOT IN EFFECT REDUCED. U.S. DOES NOT WANT TWO THREE-WEEK SESSIONS BOTH DEVOTED TO SOUTH AFRICA, ISRAEL AND CHILE. THEREFORE WE SUGGEST THAT YOU EXPLORE POSSIBILITY OF TWO FIVE-WEEK SESSIONS, ESPECIALLY SINCE TWO INITIAL WARM-UP PERIODS WILL INVOLVE EXTRA START-UP TIME. ALSO, DELEGATION SHOULD WORK TO ASSURE THAT A YEARLY AGENDA IS ADOPTED AND/OR IN OTHER WAYS ASSURE THAT ALL IMPORTANT HUMAN RIGHTS ISSUES WILL BE RAISED OVER THE COURSE OF THE TWO MEETINGS PER YEAR.

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6. WE HAVE BEEN INFORMED THAT JORDANIANS WOULD ACCEPT THAT FALL MEETING BE HELD IN NEW YORK DURING THE TIME OF THE GENERAL ASSEMBLY. HOWEVER, WE CAN SEE DISADVANTAGES TO HOLDING A COMMISSION MEETING DURING THE GA. IT MAY IMPACT NEGATIVELY ON BOTH MEETINGS. WE THEREFORE SUGGEST THAT ALTERNATIVE CALENDARS MIGHT BE EXPLORED.

7. THE REACTIONS OF THE DELEGATION ARE SOLICITED. VANCE

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